IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 297/ 2003

Vinod Sharma S/o Bhagwat Prasad
R/o Kaniya Kalyanpur Post station
Babu Garh Chawani District Ghaziabad ……..…..Applicant.

Vs.

State of Uttaranchal ……Opposite party.

Hon'ble Irshad Hussain, J.

Heard Sri Vinod Sharma leaned counsel for the applicant and Sri G.S. Sandhu learned A.G.A. for the State.

2- This is an application under section 482 of the Code of Criminal Procedure for seeking release of rifle 315 bore bearing no. 94 AB 2356 which was case property of Sessions Trial No. 525/1999 State vs. Satendra Kumar under sections 25 and 27 Arms Act (case crime No. 113/99 of P.S. Gangnahar, Roorkee). The petitioner has annexed the Xeorx copy of the licence (Annexure-3 to the petition). The licence was in the name of the petitioner Vinod Sharma and against that licence the rifle no. 94 AB 2357 had been entered. It appear that the licence had expired on 31-12-2000. The petitioner was not one of the accused in the criminal case referred above and therefore he is entitled for release of the rifle in his favour provided his licence is renewed according to the prescribed procedure by the licensing authority.

3- The petitioner is allowed in terms that the rifle 315 bore bearing number 94 AB 2356 which had been confiscated in Sessions Trial No. 525/1999 under sections 25/27 Arms Act, state Vs. Satendra Kumar is released in favour of the petitioner provided his licence is renewed by the licensing authority according to the prescribed procedure and on getting his licence renewed the petitioner shall be entitled to receive the said rifle from the Malkhana district, Haridwar through the Officer incharged concerned.

(**Irshad Hussain, J.)**

Dated: 19-12-2003
ISB